

Figures 1 and 2 of Brunelli illustrate a piece of power equipment in which an internal combustion engine 25 is mounted on top of a housing 75 of an air compressor 20. The weight of the engine and the air compressor is carried directly by that housing 75 which is attached to and supported by a cart 15. However, the reference in paragraph [0025] broadly states that the engine could be positioned below the air compressor with the drive shaft of the engine extending vertically upwards to engage the compressor. Such a brief mention of an alternative embodiment does not provide any suggestion that the weight of the air compressor could be supported directly by the engine. The obvious arrangement is that the air compressor 20 still would have housing 75 attached directly to the cart 15 to support the compressor's weight. Therefore, the clear teaching of the patent is that, regardless on the component orientation, the weight of the utilitarian device is supported directly by the cart 15 and not through the engine.

Furthermore the dramatic alteration of the Brunelli apparatus proposed in the Office Action would result in the much of the weight of the compressor 20 being transferred to the engine crankshaft vertically through the horizontal cylinder 105 and the piston 100 of the compressor, thereby producing lateral forces that impede the piston motion. Therefore, a skilled artisan would avoid doing what the Office Action proposes.

The Office Action makes the unfounded statement that a skilled artisan would be motivated to support the weight of the utilitarian device by the engine for "ease of coupling the compressor to the engine." That motivation does not exist. Supporting the weight of the utilitarian device through the shaft of the engine will complicate the coupling described in the Brunelli patent, as bearings and other components of the engine will have to be dramatically altered in order to support that weight. Therefore, absent the teaching in the

present application regarding the special support bearing, one of ordinary skill in the art would not be led to alter the design of the Brunelli apparatus in which the housing 75 supports the weight of both the engine and the compressor on the cart 15.

Furthermore, the reference does not have a support bearing that is fixedly connected to either the body of the utilitarian device or the vertical crankshaft of the engine. The rejection states that bearing 155 in the Brunelli apparatus corresponds to the claimed support bearing and contends that Figures 3 and 4 of the patent show such a fixed connection. However, bearing 155 is not fixedly connected to either the engine crankshaft 120 or to the body 75 of the utilitarian device. Instead that bearing is between components of the utilitarian device, the off-set drive 125 and the piston connecting rod 150. At best, the off-set drive 125 corresponds to the drive connector of the utilitarian device in claim 1, thus making the bearing 155 part of the utilitarian device along with the off-set drive and the piston connecting rod. Note that what the rejection identified as the drive connector 115 in Figure 1 of the reference has been replaced by the off-set drive 125 in the alternative embodiment of Figure 3.

Therefore the powered apparatus in claim 1 is not suggested by the Brunelli patent.

The detailed elements recited in claims depending from claim 1 also are not suggested by Brunelli. For example, claim 4 adds an engine coupling attached to the crankshaft and engaging the support bearing. The engine coupling has an aperture into which the drive connector is received. The rejection has failed to identify any component of the Brunelli apparatus which either corresponds to this engine coupling or which would be obvious to so modify. In fact there is none because the Brunelli off-set drive 125

corresponds to the claimed drive connector of the utilitarian device and connects directly to the engine crankshaft 120. Nor does Brunelli show the engine coupling mounted on the flywheel of the engine as stated in claim 5.

The rejection has failed to identify anything in the reference patent which suggests engine coupling in claim 6 that is attached to the crankshaft and has an aperture into which is received a shaft of the utilitarian device's drive connector. Further the rejection of claim 7 merely make the unsupported conclusory statement that a non-circular aperture in the engine coupling would be obvious. In doing so that rejection says that it is obvious because the applicant failed to demonstrate the advantage of that type of aperture. However, the examiner has the initial burden of proof to show obviousness, the applicant has no initial burden to prove otherwise, *In re Palmer*, 59 C.C.P.A. 733, 451 F.2d 1100, 172 USPQ 126 (1971). The rejection also ignores the fact that the reference does not even suggest an aperture of any shape in anything in Brunelli that corresponds to engine coupling.

Independent claim 9 states that the powered apparatus has an internal combustion engine with a vertical crankshaft connected to an engine coupling that has an aperture. The utilitarian device has a drive shaft that is removably received within the aperture of the engine coupling. None of the components of the powered apparatus in the Brunelli patent correspond to the engine coupling and the drive shaft of the utilitarian device. This is highlighted by the fact that the rejection has not identified such components.

In addition to this engagement of the engine coupling with the drive shaft of the utilitarian device in claim 9, there is a separate support bearing which is independent of that engagement. None of the embodiments of Brunelli has this separate support bearing.

Note that in Figure 5 of the present application, the shaft 78 of the utilitarian device is received within an aperture 72 the engine coupling 71. That drive coupling between the engine and the internal combustion engine is separate from the support bearing 79 through which the weight of the utilitarian device is transferred to the internal combustion engine. This separate support bearing, which is not part of the drive connection between the engine and the utilitarian device, is not suggested by Brunelli.

Brunelli also fails to disclose the flywheel in claim 10 that connects an engine coupling to a vertical crankshaft of the engine. The vertical crankshaft 120 is connected directly to components of the utilitarian device without any intervening flywheel. Nor has the rejection shown the support bearing in claim 12 being secured to the body of the utilitarian device and removably engaging the engine coupling. None of the components in the reference's Figure 3 identified in the Office Action shows such securing to the body 75 of the air compressor. Claim 13 also has not been rendered unpatentable for the reasons stated above with respect to claim 7.

Independent claim 15 recites a utilitarian device which has a drive member for removable connection to an engine coupling attached to the engine crankshaft. A separate support bearing is secured to the body of the utilitarian device to removably engage engine coupling. The rejection identified a conventional bearing 155 in Brunelli as corresponding to the support bearing in the pending claims. However, that bearing 155 is located between a shaft of the offset drive 125 and the piston rod 150 within the utilitarian device. Nowhere is that support bearing secured to that body 75 of the utilitarian device.

In addition, the rejection has not identified how the Brunelli patent suggests the drive member that comprises a shaft received in an aperture of the engine coupling as stated in claim 17. Nor has it been demonstrated how the reference suggests that this aperture having a noncircular cross section as in claim 18.

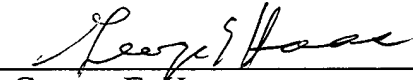
Therefore the rejection has failed to demonstrate how the Brunelli patent renders the pending claims unpatentable under 35 U.S.C. §103.

Conclusion

In view of these distinctions between the subject matter of the present claims and teachings of the cited patents, reconsideration and allowance of the present application are requested.

Respectfully submitted,
Jonathan R. Chittenden

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By: 
George E. Haas
Registration No. 27,642

Quarles & Brady LLP
411 E. Wisconsin Avenue Suite 2040
Milwaukee, WI 53202-4497
Telephone (414) 277-5751

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